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Public Hearing Date: September 28, 2010
Land Use Action Date: December 14, 2010
Board of Aldermen Action Date: December 20, 2010
90-Day Expiration: December 27, 2010

DATE: September 24, 2010

TO: Board of Aldermen
Planning and Development Board

FROM: Candace Havens, Interim Director of Planning and Development
Eve Tapper, Chief Planner Current Planning
Alexandra Ananth, Senior Planner

SUBJECT: #214-10 NEW ENGLAND DEVELOPMENT LLC/NED CHESTNUT HILL SQUARE LLC/G&K LLC/KEY CHESTNUT LLC petition for a change of zone to *Business 4* for parcels located at 200-230 Boylston Street also identified as Section 82, Block 2, Lots 10, 14, 15, 15A, 15B, 15C, 29, 30, 8, 9, 18, currently zoned Business 1, Lot 11, currently zoned Limited Manufacturing, and 13 and 32, currently zoned Multi Residence 2.

#215-10 NEW ENGLAND DEVELOPMENT LLC/NED CHESTNUT HILL SQUARE LLC/G&K LLC/KEY CHESTNUT LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed-use retail and residential development, including an 8-story building containing 91 residential units, approximately 102,000 sq ft of retail (with open air businesses) and restaurant space (over 50 seats), a 60,000 sq ft medical office building, 30,000 sq-ft health club and waivers from associated parking requirements, including but not limited to a multi level parking facility, driveway width in excess of 25', valet parking, dimensions for handicapped parking stalls, retaining walls of greater than 4' in setbacks, and additional freestanding signs; number of signs; and signs exceeding the allowed square footage at 200-230 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as Sec 82, Blk 2, Lots 10, 11, 13, 14, 15, 15A, 15B, 15C, 29, 30, and 32 containing approx 11.32 acres of land in a *proposed* BUSINESS 4 zoned district. Ref: Sec 30-24, 30-23, 30-15 Table 3, 30-11(d)(7), (8), (9), and (10), 30-19(d)(18), 30-19(h)(2)c), (4),(5)b), 30-19(m), 30-20(c), 30-20(d)(2), 30-20(i)(4), 30-20(f), 30-20(l) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the Public Hearing. There may be other information presented at or after the Public Hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

New England Development, through its affiliate NED Chestnut Hill Square LLC (the petitioners), is proposing to redevelop an 11.3-acre site located on Boylston Street (Route 9) as a mixed-use development called “Chestnut Hill Square,” and includes the following mix of uses:

- 102,000 square feet for retail and restaurant uses
- 51,000 square foot grocery store
- 30,000 square foot health club
- 60,000 square foot medical office building
- 91 residential units
- 912 parking stalls

The project site is located at 200-230 Boylston Street in the Chestnut Hill area of Newton, close to the border with the Town of Brookline. In order to construct the project as currently proposed, the petitioners will need a number of Board approvals including:

- Rezoning (map change). The site includes parcels zoned Business 1, Multi-Residence 2, and Limited Manufacturing; all are proposed to be rezoned to Business 4.
- Special permits and site plan approval to allow some buildings to exceed the dimensional standards for height and number of stories; to allow for certain proposed uses including a multi-family dwelling, restaurants with more than 50 seats, a multi-level parking facility, open-air businesses; waivers of some of the parking requirements and sign ordinance; retaining walls of greater than four feet in setbacks; and approval of a project that exceeds 20,000 gross square feet.
- Approval of an Easement Relocation and Discontinuance Order and Plan (**ATTACHMENT A**) to address a series of waterline, drain, and grading easements and other rights related to existing buildings required to be relocated or abandoned in connection with the project.



The petitioners are proposing a number of improvements to Boylston Street/Route 9 (a State highway) and other intersections in the project vicinity in order to make their project feasible from a traffic standpoint. Some of these improvements include installing a median break along Route 9 at the primary entrance of the project with two westbound left turn lanes into the project, widening of both Route 9 approaches to accommodate three travel lanes per direction in the vicinity of the project, changing the Hammond Pond Parkway at Route 9 interchange, and improving many other intersections in the project vicinity. The petitioners are proposing to phase the project with the bulk of the commercial square footage to be built in *Phase I*, and the residential units and structured parking to be completed as *Phase II*.

The *Newton Comprehensive Plan*, adopted in November of 2007, welcomes well-planned development along Boylston Street/Route 9 as part of the overall growth of the City. The *Comprehensive Plan* provides that “Chestnut Hill has several underutilized parcels which are too valuable and too desirable to remain as they are. These parcels are primarily on the south side of Route 9 and they should be targeted for major mixed-use development at a scale and design consistent with the area, following a careful review process.”



The proposed mixed-use project will turn the existing dilapidated surface parking lots and aging commercial buildings into a site that will bring significant benefits to the City. The proposed transportation improvements to Route 9 will benefit Newton as well as its neighboring communities. The petitioners have also committed to making much needed infrastructure improvements to utilities including sewer systems, waterlines, and stormwater management. From an economic development standpoint, the project will create short term and long term jobs, and will increase revenue for the City in the short-

term through permit fees and in the long-term through real estate taxes. Consistent with sustainable design principles, the project is reusing a previously developed site located along a major transportation and commercial corridor. The project includes provisions for an MBTA bus stop on-site and is convenient to other public transportation (the MBTA Chestnut Hill and Newton Centre Green Line subway stations), which could be made easily accessible if the petitioners were to provide or contribute to a shuttle bus service serving such stations. The project should contribute to the continuing vibrancy of the Route 9 corridor in Chestnut Hill and the petitioners are proposing to incorporate some sustainable design measures into the project. Finally, the project will enhance the streetscape of the existing Route 9 corridor in Chestnut Hill.

On balance, the City is encouraged by the size and number of infrastructure enhancements that are being proposed by this project including improvements to travel times along Boylston Street/Route 9. The changes proposed appear to improve vehicle operations within the study area. The Planning Department is very supportive of the concept of a vibrant mixed-use development at the proposed location; however, we have a number of concerns that the petitioners should address. Some of these concerns include: deteriorating traffic conditions at some points along Route 9 even

with proposed mitigation; the potential conflict of cars exiting the site onto Route 9 in close proximity to the Hammond Pond Parkway off-ramp; a grocery store and parking lot facing the Florence Street neighborhood; and the lack of usable open space on-site for residents, employees or visitors. The Planning Department has consistently recommended the petitioners relocate surface parking underground in order to provide more on-site amenities, improve views, and to provide for additional landscaping, which would balance the impacts of increased vehicular traffic and associated emissions. Additionally, the Planning Department is concerned there may be insufficient parking on-site if the project is phased, particularly during peak parking demand periods (November/December). To date, the petitioners have not submitted a comprehensive Parking Management Plan to address this issue.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether:

- The site is an appropriate location for the proposed mixed-use development.
- The use as developed will not adversely affect the neighborhood.
- Access to the site is appropriate for the types and numbers of vehicles involved.
- The proposed exceptions to the dimensional standards will have an adverse effect on the site or surrounding neighborhood.
- The proposed retaining walls greater than four feet located in the setbacks will have any adverse impacts on drainage or immediate abutters.
- The proposed uses including a multi-family dwelling, restaurants with more than 50 seats, a multi-level above-grade structured parking facility, and open-air businesses are appropriate for the site.
- The proposed waivers to parking requirements are in the public interest.
- Proposed exceptions to the signage requirements should be permitted.
- The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy.
- The proposed rezoning of 13 parcels to Business 4 will encourage the most appropriate use of the site and will not detract from the health, safety, convenience and welfare of the surrounding community.
- The proposed Easement and Relocation Discontinuance Order and Plan will assist in the adequate provision of water and sewerage.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on the south side of Boylston Street/Route 9, across from the Chestnut Hill Mall, between Florence Street and Hammond Pond Parkway. The project site consists of 11 parcels variably zoned. The petitioners are proposing to rezone the entire property (including two adjacent properties not included in the development proposal) to Business 4, and to merge the lots to one proposed new lot, shown as the project site. David & Company Jewelry and the Capital Grille sites are

on two lots that are included in the request for zone change, but not included in the lot merger and overall project site.

North of the subject property is The Mall at Chestnut Hill, which is located in the Business 1 zone. West of the property is The Atrium Mall and a ten-story condominium project (280 Boylston Street), both located in a Business 1 zone. South of the project site across Florence Street are a mix of residential uses, including the Farm at Chestnut Hill, a multi-unit condominium development, located in the Multi-Residence 3 zone; and a mix of single- and two-family structures, located in a Multi-Residence 1 zone. Just east of the project site is a multi-tenant commercial property, which includes Barnes & Noble and Milton's and is located in a Business 1 zone. Further east is an Avalon Bay apartment complex and another condominium complex, located in the Business 1 zone and Multi-Residence 3 zone, respectively.

The proposed Business 4 zone does not prescribe any particular use or mix of uses, but allows for a variety of different uses. The Business 4 zone allows for building height of up to 96 feet (by special permit), and a total FAR of 3.0 (by special permit) and has no minimum open space or residential use requirements. Allowed uses in the Business 4 zone include office, retail, library or museum, banks (excluding drive-in facilities), theater, hall or club, barbershop or similar service establishments, retail dry cleaning or laundry, restaurants with not more than 50 seats, bakery, dwelling units above the first floor, accessory parking facilities provided that such facilities are limited to one level, and other uses similar to those listed above. Uses allowed by special permit in the Business 4 zone include hospital or rest home, broadcast studio, laboratory, hotel/motel, funeral home, multi-level parking facilities, multi-family dwelling, restaurants with more than 50 seats, drive-in or open-air business, elderly housing, and other uses similar to those listed above.

The Planning Department believes the proposed Business 4 zone will encourage appropriate use of land as envisioned in the *Comprehensive Plan*. Other potential zoning designations, such as Mixed Use zones do not allow for residential uses without a special permit and only allow for buildings up to 48 feet in height or four stories high. Taller buildings appear appropriate for this area and there are several nearby residential buildings that exceed current height requirements, making the taller height limit of the BU4 zone more fitting. The Planned Multi-Use Business Development is more prescriptive in that it requires residential uses. While the Planning Department believes that housing is an important component of a mixed-use development, it may not be economically feasible at this time, and requiring it may challenge the viability of the project.

Although the Planning Department does not see an immediate need to rezone the other parcels that are not part of the proposed project site, to do so will allow for greater redevelopment opportunities on those lots in the future.

Below is a table to help the Board put the proposed project in perspective. Please note that the figures for existing developments in Newton are approximate and should be used for general comparison purposes only.

<i>Comparison of Nearby Mixed-Use Developments</i>				
	Atrium Mall	Chestnut Hill Shopping Center	Mall at Chestnut Hill	Chestnut Hill Square (proposed)
Retail	268,000 sq. ft.	213,000 sq. ft. (including 60,000 sq. ft. grocery)	475,000 sq. ft. (includes restaurants)	137,500 sq. ft. (including 51,000 sq. ft. grocery)
Restaurant	700 seats	750 seats	Included above	505 seats
Office	N/A	60,000 sq. ft.	N/A	60,000 sq. ft.
Other	N/A	1,360 theater seats	N/A	30,000 sq. ft. health club
Parking on-site	1060	1300	2100	912
Parking waivers or grandfathered spaces	140	550	Information not readily available	445 (requested waiver)

The Planning Department notes that by-right development options are rather limited on this site regardless of whether the lots are rezoned and merged because the allowable building size in any zoning district is limited by the Newton Zoning Ordinance to 19,999 square feet per lot. It is possible that the Business 1 portions of the site could be subdivided into individual parcels each supporting a two-story building of 19,999 sq. ft. with office, retail or smaller restaurants uses on the ground floor and residential uses above. Parking would consist of surface parking stalls as a multi-level parking facility requires a special permit in this zoning district. The portions of the site that are zoned Multi-Residence 2 could support approximately six 2½-story two-family dwellings with two parking spaces per unit. The Limited Manufacturing portions of the site could support a three-story, 19,999 sq. ft. office, manufacturing or laboratory research building with surface parking. The Planning Department believes a special permit project for a mixed-use development will offer more appropriate use of the land and will result in more well-planned public benefits and necessary infrastructure improvements for the surrounding area.

B. Site

The site is located along the south side of Boylston Street (Route 9) in the Chestnut Hill area of Newton close to the border of the Town of Brookline, and consists of 11 distinct parcels, including the former Omni Supermarket and the remnants of a four-story office building that was the location of a devastating fire just over ten years

ago. Currently, the site is substantially paved with surface parking lots and contains five significantly deteriorating commercial buildings including a one-story commercial building, a multi-story commercial building, a three-story office building, and a vacant supermarket. The site contains multiple curb cuts and no stormwater controls. The topography of the site is such that the site is divided into two distinct areas with the “upper” site accessed from Route 9 at an elevation of approximately 193 feet. The “lower” or rear portion of the site has access to the Florence Street neighborhood at an elevation of approximately 171 feet.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The proposed project will redevelop the existing site into a mixed-use property that will include shopping and dining, a grocery store, a health club, medical offices, residences and associated parking. The petitioners are currently proposing the following mix of uses for the site among four primary buildings:

- 102,000 square feet of retail and restaurant uses (with up to 15,500 sq. ft. of restaurant uses or approximately 505 seats)
- 51,000 square foot grocery store
- 30,000 square foot health club
- 60,000 square foot medical office building
- 91 residential units (proposed for *Phase II*)
- Up to 912 parking stalls (599 at grade surface stalls proposed for *Phase I* and up to 313 stalls in a multi-level above grade structure which would be built as part of *Phase II*)

All of the proposed uses are consistent with a mixed-use development and are allowed either by right or by special permit in a Business 4 zone, including a multi-family building (allowed by special permit), a multi-level parking facility (allowed by special permit), and restaurants with more than 50 seats (allowed by special permit). The petitioners are proposing two or three restaurants with approximately 505 total seats. Finally, the petitioners are also proposing open-air kiosks, which are allowed in a Business 4 zone with a special permit from the Board of Aldermen.

The proposed mix of uses and activities could create a vibrant multi-function shopping experience that increases the synergy and encourages pedestrian activity between uses. Although the uses appear appropriate for the site, the intensity of the uses may produce significant new traffic that may impact the residential character of surrounding neighborhoods, which parking and traffic mitigation designs must address.

B. Building and Site Design

The project will redevelop an existing underutilized site which currently consists of deteriorating buildings and surface parking lots, and will contribute to the overall improvement of the Boylston Street commercial corridor. The petitioners are proposing to locate four primary buildings on the site:



- **Building A** is a five-story mixed-use building at the southern end of the site and would consist of a grocery store on the ground level (at grade on the Florence Street side, but below grade on the Boylston Street side), retail space on the first floor (ground level on the Boylston Street side), a health club on Level Two, and medical offices on Levels Three and Four. It is proposed that Building A would be built as part of *Phase I*.
- **Building B** is a one-story retail building with an abutting multi-level structured garage. It is proposed that Building B would be built as part of *Phase I* but that the proposed structured parking facility would be built as part of *Phase II*.
- **Building C** is a one-story retail and restaurant building to be located along Boylston Street/Route 9. It is proposed that Building C would be built as part of *Phase I*.
- **Building D** is an eight-story building with retail on the ground floor and approximately 91 residential units above. It is anticipated that Building D would be built as part of *Phase II*.

Parking will be located at the center of the site behind the retail building that faces Route 9 (Building C) and will serve the retail core and mixed-use building (Building A). An additional parking area will be located on the south side of the site, between the mixed-use building (Building A) and Florence Street. This parking area will primarily serve the grocery store though it may also serve the mixed-use building (Building A). The garage structure that is proposed as part of *Phase II* would serve the residential units as well as other tenants of Building A, such as the proposed medical office and health club.

Along Route 9/Boylston Street, the project will visually improve the current

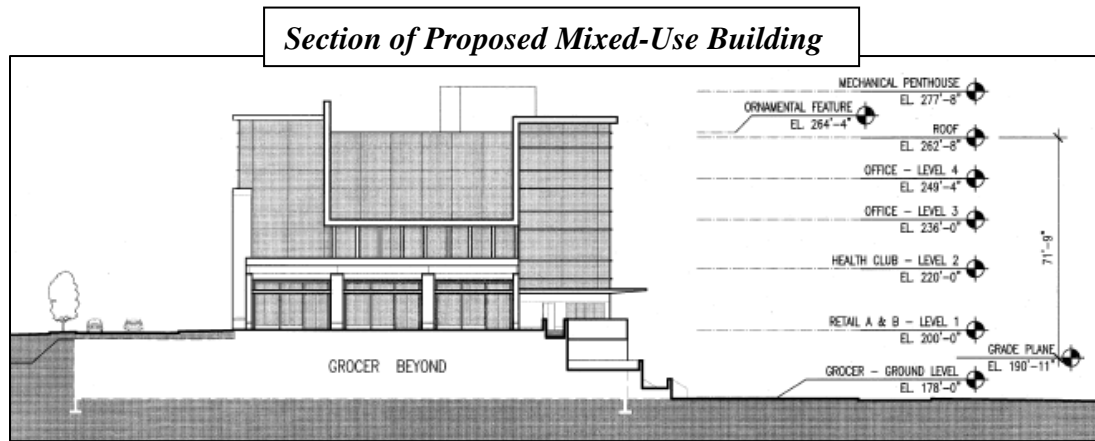


streetscape by replacing the large surface parking lot with a retail building with architectural detail including façade articulation. The building is proposed to be set back approximately 16 feet and is proposed to be approximately 43,000 sq. ft. and 21 feet in height. The façade will include details such as offsets or bump-outs with vertical tower

elements at the corners, store awnings or canopies, decorative lighting, signage and roof caps. A continuous sidewalk and a landscaped buffer will be provided to improve the street edge adjacent to the retail building and to encourage pedestrian travel from neighboring sites.

As proposed, none of the retail or restaurant spaces in Building C have entrances from Boylston Street and the Planning Department is concerned that this design will not lead to an active streetscape along this prominent façade. The Planning Department has continuously encouraged the petitioners to consider breaking up the linear mass of the building with a mid-building pedestrian cut-through and/or entrances to the retail/restaurant uses from the Boylston Street side. The petitioners have responded that they do not anticipate significant pedestrian traffic along Boylston Street and that breaking up the mass would result in a loss of rentable space and limits the marketability of the retail space. Furthermore, the petitioners have stated that for security reasons retail tenants do not prefer double entrances.

The proposed mixed-use building (Building A) is a five-story building with a 51,000 sq. ft. grocery store in the lower level. The grocery level will have an elevation of approximately 178 feet with at-grade access from the Florence Street side of the site. The grocery store will have a larger footprint than the stories above and the north side of the store (Boylston Street side) will be below grade. The first floor will contain retail and/or restaurant uses and will be at an elevation of approximately 200 feet, at grade with the central parking area. This level will have a floor plate of approximately 30,000 sq. ft. The second level is proposed to contain a health club of approximately 30,000 sq. ft. The third and fourth floors are proposed as office with approximately 60,000 sq. ft. between the two floors. Due to the varying topography around this building the height is 71.7 feet.



Building B is approximately 12,000 sq. ft. and 39.3 feet in height. Although the retail structure is only one story, there is a four-story garage attached. The garage has an entrance from the lower portion of the site which includes the grocery store, as well as an entrance to the second level from the upper portion of the site, which is convenient to the retail portion of the site. Due to the change in topography the retail building generally screens the garage from view from the perspective of the interior of the central retail core.

The residential building (Building D) is proposed as an eight-story, L-shaped structure with total retail/restaurant space of approximately 11,000 sq. ft. on the ground floor and approximately 91 units above. The height of the residential building is calculated at 95.5 feet.

The taller components of the project are the mixed-use building (Building A) at 72 feet and the residential structure at 95.5 feet. These buildings are located towards the center of the site and the property perimeter will be planted with trees and other landscaping for screening purposes. This includes landscaping along Florence Street where the existing vegetation will be generally retained and enhanced with additional trees and plantings to provide a well-landscaped buffer to the residential neighborhood.

Buildings A, B, and D exceed the dimensional standards allowed by right in the Business 4 zoning district for building height and number of stories. In order to construct the buildings as proposed, the petitioners must obtain a special permit from the Board of Aldermen. The petitioners must also obtain a special permit to construct a project that exceeds 20,000 gross square feet.

The petitioners have stated that signage and lighting will be coordinated to create an appealing retail environment and building elevations should further enhance the retail and pedestrian activity. The petitioners have stated that it is anticipated that there will be large areas of glass around building and garage elevator lobbies to engage

pedestrians and create inviting entries with canopies and awnings for protection from inclement weather, and to provide visual variety. The petitioners have also stated they will create a set of design guidelines for storefronts and signage to foster consistency among the retail tenants. Although schematic elevations were submitted as part of the plan set, the building materials do not appear to be noted on plans. *The petitioners should provide a more detailed description of the buildings at the public hearings and note proposed materials on plans prior to Working Session.*

Although the site is small enough that it naturally fosters pedestrian activity between uses within the site, the entire middle of the site is dedicated to surface parking and there is little usable open space on-site. The petitioners are proposing two landscaped pedestrian islands between alternate parking rows which will foster safe pedestrian crossing and provide some seating. The proposed site plan allows for some additional green space along Florence Street, but this is really more of a landscape buffer than usable open space for residents and abutters. While locating the parking behind the retail structure which fronts Route 9 consolidates parking between uses and eliminates visual clutter from Boylston Street, the Planning Department has consistently urged the petitioners to locate parking below grade in order to create more open space on-site. Similarly, the Planning Department notes that there appears to be a lot of potentially visible wasted space on the roofs of the proposed buildings. While the department appreciates the proposed use of light colored roof surfaces for environmental reasons, there may be a lost opportunity for outdoor dining space on the retail buildings, usable open space on the residential buildings, or other green roof features.

The petitioners are hoping the new mixed-use development will provide a variety of well-designed urban spaces and a lively pedestrian plaza and gathering spaces. The pedestrian plaza will include specialty paving, retail kiosks, decorative lighting, benches, and planters. Proposed open-air kiosks may help foster this spirit as well; however, the Planning Department is concerned that the central parking area will detract from the site's usefulness as a gathering place. Consolidating the strips of green space into a more centralized park-like space could provide a more substantial and functional area that gives visual relief to the parking lot and provides a place for outdoor dining or performances that may enliven the Square during summer months.

Currently, the proposed grocery store and parking area for this portion of the site face Florence Street. The Planning Department believes the development could provide a more successful transition to the neighborhoods on Florence Street and the neighboring Town of Brookline. Earlier iterations of the site plan showed vehicular access to Florence Street for the proposed residential component that was oriented towards this street. The orientation of residential-facing-residential buildings seemed like a more fitting transition towards the commercial uses and Route 9.

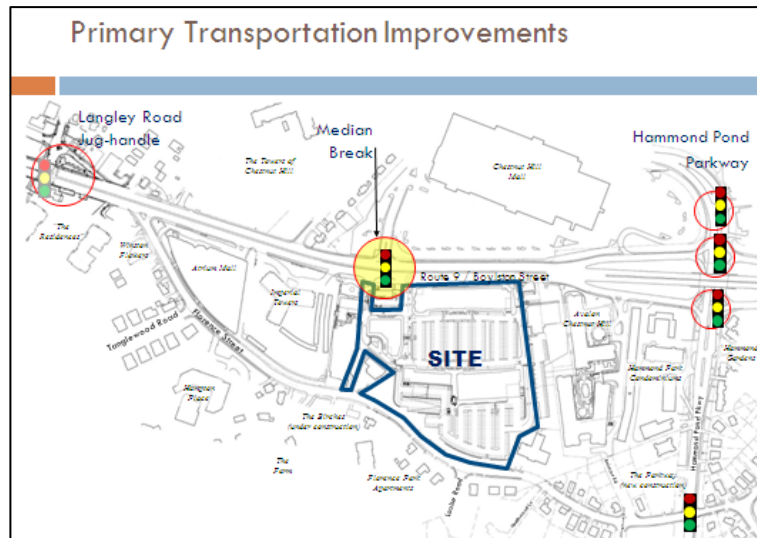
C. Traffic Impact

The petitioners submitted a Traffic Impact and Access Study, as well as a Supplemental Traffic Impact Assessment dated August 12, 2010 (together the “Traffic Report”). These studies discuss current traffic volumes and Levels of Service in the study area as well as “Projected Build,” “No Build,” and “Build” scenarios with

unmitigated and mitigation conditions. As discussed below, the petitioners are proposing numerous and significant roadway improvements in order to offset the impacts of the proposed Chestnut Hill Square project.

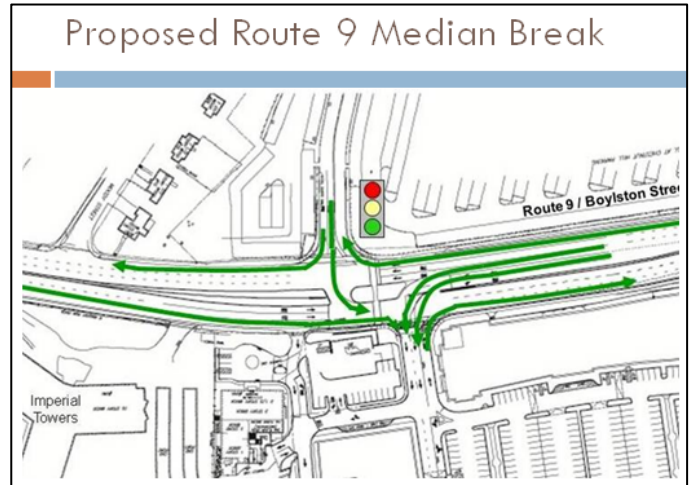
The study area for the analysis of the Chestnut Hill Square project included 44 intersections and ten ramp junctions. Traffic volume counts on Boylston Street in front of the project site were taken in both 2004 and 2009 and were observed to be approximately 62,000 vehicles on an average weekday and 54,500 vehicles on an average Saturday. The proposed project is expected to add approximately 5,660 new vehicle trips on an average weekday and approximately 6,720 new trips on Saturdays, increasing traffic on Route 9 by approximately 9% on weekdays and 12% on weekends in front of the subject site.

Based on the results of the traffic study and discussion with MassDOT, DCR, and the City of Newton, the following is a summary of primary off-site traffic improvements that the petitioners are proposing to implement in conjunction with the project. A more detailed list of proposed traffic improvements is included at the end of this report (**ATTACHMENT B**).



Route 9: Installation of a median break along Route 9 at the primary (center) entrance of the project site, widening of both Route 9 approaches to accommodate three travel lanes per direction and two westbound left-turn lanes to serve the project.

- **Route 9 at Langley Road:** Widening of both Route 9 approaches to the intersection to provide three approach lanes per direction.
- **Route 9 at Hammond Street:** Design an optimal traffic signal timing, phasing and coordination plan.



- **Hammond Pond Parkway at the Route 9 Interchange:** Design and construct certain improvements to the Hammond Pond Parkway/Route 9 interchange.
- **Parker Street at the Route 9 Interchange:** Design a coordinated traffic signal system at the intersections of Parker Street with the Route 9 ramps (east and westbound) in order to improve traffic operations and safety; install a traffic control signal at the Route 9 eastbound ramp intersection with Parker Street initially, and at the westbound ramps if and when warranted and directed by MassDOT.
- **Installation of an emergency vehicle pre-emption system (OPTICOM):** The petitioners are proposing all proposed and modified traffic signals related to the project will include bicycle detection and OPTICOM systems, and will provide funds to the City to pay for the installation of signal override emitters in emergency response vehicles.

In general, the Department of Public Works (DPW) and the Planning Department are encouraged by the size and number of infrastructure improvements that are being proposed by this project. The City expects that all mitigation will be designed and constructed by the petitioners, while receiving the proper approvals from the City, the Town of Brookline, the Massachusetts Department of Transportation, and/or the Massachusetts Department of Conservation and Recreation, as needed. The petitioners have noted that they are committed to coordinating with the City of Newton and the Town of Brookline to establish escrow funds for the implementation of traffic-calming measures on Florence and Heath Streets. The Department of Public Works does not prefer to receive money through

escrow funds because the responsibility for the design and construction of any infrastructure improvements, including any unanticipated costs, remain with the City.

The DPW asks the petitioners to develop and construct improvements along the length of Florence Street, using a “Complete Streets” approach. The street should include accommodations for vehicles, pedestrians and bicyclists, including a continuous sidewalk along both sides of Florence Street, and appropriate traffic-calming features. The Planning Department would also like the petitioners to explore the possibility of bicycle accommodations along the proximate portions of Hammond Pond Parkway with connections to Florence Street. DPW believes that the petitioners should design and construct all improvements along Hammond Pond Parkway and Florence Street and all other off-site traffic improvements subject to any necessary approvals. Although the petitioners are proposing to establish and escrow funds for traffic-calming methods along Florence Street, staff requests that the petitioners collaborate with Traffic Engineer staffs of Newton and Brookline to evaluate potential improvements for this street.

Route 9 is a State-owned highway. It is valued as a major east-west corridor and the City has an interest in maintaining safe, efficient travel on it. Any significant increase to vehicle delays or safety will likely reroute cut-through traffic onto City streets. Therefore, it is important that all traffic analysis and projections performed by the proponent, both on City- and State-owned roadways, be as accurate as possible.

The City engaged McMahon Associates, a transportation engineering and planning firm, to complete a peer review of the potential impacts of the project on the transportation infrastructure. McMahon completed a draft report that contained requests for some revisions to the petitioner’s traffic model. It is expected that the petitioners will revise their traffic model based on this evaluation prior to the Public Hearing, and that McMahon Associates will finalize their peer review prior to any scheduled Working Session. This will allow for the inclusion of any issues raised at the Public Hearing in the final report.

Overall, it appears the existing transportation infrastructure can operate safely and effectively with the additional vehicle capacity if the proposed traffic mitigation is completed. However, the Planning Department notes that the intersection of Boylston Street and Hammond Street seems to experience increased delay times even with mitigation, and that there appears to be some assumptions made in the model, which must be clarified and/or revised to assure the accuracy of actual conditions and future projections:

- The petitioners took trip generation credits of five percent of the daily site volumes and ten percent of the peak hour volumes (resulting is a 595

weekday trips/708 Saturday trips and 44 weekday morning peak hour trips/114 weekday afternoon trips/130 Saturday trips). Although the petitioners note they are working with the MBTA to extend service into the project site, the petitioners should explain where they are in the process of negotiations with the MBTA, how the bus will operate within the site, whether the bus and other public transit options can handle the capacity of the transit credit taken, and what will happen if assumptions are not met.

- The Synchro model Link Lengths may not match actual field conditions in several areas. For example, in Newton Centre, the distances between the intersections of Centre Street and Langley Road on Beacon Street and Beacon Street and Cypress Street on Centre Street were both coded as at least 1000' longer than actual field conditions. Vehicle queuing is a particular problem in this area of the City, so showing an extra 1000' of queue storage will minimize the actual impacts of additional traffic in this area.
- It is also unclear if any calibration was performed on the model so that it closely resembles actual traffic conditions. Queue observations taken by the City's peer reviewer in September 2010 show queues on Route 9 at Hammond Street to be over 500' longer than what the Synchro model reported and approximately 900' longer on Route 9 at Langley Road.
- Ramp weaving analysis was performed using a default value of 500' for all acceleration and deceleration lanes. However, most ramps within the study area have different lengths, some as short as 150.' The results of the analyses need to be justified.

New traffic signals on Parker Street at the Route 9 ramps and on Centre Street at Cypress Street will likely decrease delays on the side street approaches. However, the DPW requests information about alternatives to traffic signals, impacts of interrupted traffic flows on the major approaches, traffic signal warrants, as well as interaction with surrounding intersections, and the possible increases and/or decreases to crash rates. The proposed model shows long queues at the proposed Parker Street signals and queues on Centre Street at Cypress Street extend beyond Beacon Street. The DPW and Planning Departments are concerned that a full traffic control signal at Centre and Cypress Streets may not be the most effective option. Roadway modifications, a mini roundabout, changes at Beacon and Centre Streets, or other measures may be more beneficial improvements than a traffic signal at Centre and Cypress, and other alternatives need to be thoroughly examined.

To design and construct the needed improvements to the Hammond Pond Parkway

and Route 9 intersection, the Planning and Public Works Departments note that the petitioners will need to design and construct the median break and traffic signal at the Route 9 eastbound ramp intersection with Hammond Pond Parkway, as well as install a traffic control signal on the Route 9 westbound ramp, as shown in the petitioner's Traffic Mitigation Summary. The City of Newton is currently in receipt of \$250,000, which was previously approved and authorized by the Avalon Bay development to fund this improvement. However, the Route 9 eastbound signal was not installed and should move forward in conjunction with all improvements required for this intersection.

The petitioners have agreed to close off access to the project site from Florence Street at the request of many Brookline neighbors and this will increase project-related impacts on Route 9. Restricting parking at peak hours along this portion of Route 9 could reduce congestion. This strategy is used along Beacon Street in Newton Centre during peak travel hours and allows for an additional travel lane thereby increasing the capacity as needed. Increasing the capacity of this intersection with an additional travel lane during peak hours would likely significantly reduce delays, which exist today even without the additional traffic expected as a result of this project.

The Department of Public Works notes that the City has been awarded a grant from the Metropolitan Planning Organization to re-time our traffic signals. Study, implementation, and evaluation of this project are expected to take place between October 2010 and October 2011. Additional re-timing of the Beacon Street/Centre Street and Beacon Street/Langley Road traffic signals will not be required by the petitioners unless a new traffic signal at Centre Street and Cypress Street is approved and constructed.

Should the Board choose to approve this project, the Planning Department notes the Board should consider a condition that all proposed and modified traffic signals to be constructed in conjunction with the project include bicycle detection and associated signs and pavement markings. Sidewalks should be reconstructed with pedestrian push buttons, traffic signal phasing, and accessible ramps. We also recommend a post-occupancy traffic study be provided to ensure that actual number of vehicle trips is within 10% of expected volumes and traffic mitigation measures are performing as projected.

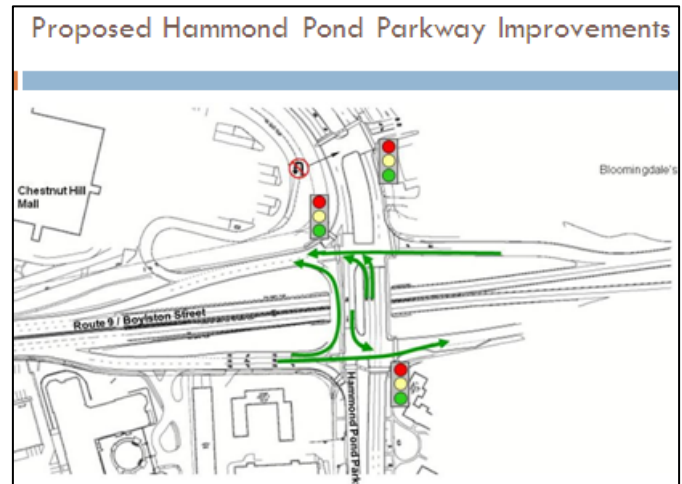
Finally the City Traffic Engineer requests a phasing plan for proposed traffic mitigation, if the project is not built all at once.

D. Access, Parking and Site Circulation

All vehicular access to the project is proposed from Route 9 by way of three driveways that intersect the south side of Route 9 and include the existing driveway serving the Capital Grille and David & Company. The primary access will be slightly offset to the

east of the driveway serving The Mall at Chestnut Hill, and will be placed under an actuated traffic signal control accommodating two entering travel lanes and a single exit lane that will be restricted to right turns only exiting onto Route 9 eastbound. Left turns will be permitted into the project from Route 9 westbound from two left turn lanes; however, left turns from Route 9 eastbound into the Mall at Chestnut Hill will be prohibited for general traffic and permitted for emergency vehicles under preemptive traffic signal control. The Route 9 east driveway will serve both entering and exiting project traffic limited to right turns entering from and exiting to Route 9 eastbound.

The Planning and Public Works Departments have some concerns about site circulation and safety. As proposed, all vehicles enter and exit the site on Route 9. Of primary concern is that the easternmost drive exit onto Route 9 east is a very short distance from the exit ramp from Route 9 to Hammond Pond Parkway, as well as the entrance/exit to 174 Boylston Street (Milton's and Barnes & Noble). There appears to be the potential for conflicts between vehicles exiting the site and trying to quickly merge left in order to get onto eastbound Route 9, and vehicles traveling on Route 9 eastbound, exiting at Hammond Pond Parkway. This fast-moving, high-traffic merge, together with the short merge space available, may be hazardous. The Planning Department suggests the easternmost exit be restricted to ramp access only and that the idea of combined access with the adjacent property containing Milton's and Barnes & Noble be explored.



Because site access is limited to Route 9, the Planning Department is also concerned that some vehicles seeking a way to and from Florence Street may weave through the Capital Grille parking lot, which will continue to provide access to and from Florence Street as currently exists. Also, at the western edge of the project, we are concerned about circulation in the vicinity of 250 Boylston Street (Capital Grille) and 232 Boylston Street (David & Company). The current site plan indicates that trips between Capital Grille's back parking lot and valet pick-up area is circuitous, and that patrons leaving the parking area for 232 Boylston Street would have a much less convenient circulation route than the one which currently exists.

The project includes internal vehicle and pedestrian connections to the adjacent commercial plaza to the immediate east of the project, thereby serving to encourage

connectivity between the two plazas without the need to recirculate onto Route 9. Internally, traffic-calming measures within the site may include raised crosswalks or speed tables.

The Planning Department continues to have concerns as related to access for pedestrian, bicyclists and transit users. The petitioners should indicate that a pedestrian crosswalk will be installed at the proposed traffic signal and break in Route 9 to provide a safe crossing between the project site and The Mall at Chestnut Hill on the north side of Route 9. Additionally, it does not appear that the petitioners are proposing improvements to the sidewalk along the north side of Florence Street in front of the project site. Pedestrian connectivity along Florence Street is generally poor. This is of concern given the existing residences in the immediate vicinity that house those who may choose to walk to the grocery store or proposed retail and restaurant amenities, both on-site and nearby. Should the Board choose to approve this project the Planning Department recommends the Board consider a condition requiring the creation or reconstruction of a continuous sidewalk along the north side of Florence Street. Sidewalks should be constructed with wheelchair ramps, pedestrian pushbuttons, bicycle detection and traffic signal phasing. Lastly, pedestrians entering the site from Florence Street would be required to walk through the parking lot without the benefit of safe designated pedestrian access route.

The petitioners are proposing to locate bicycle parking in visible and functional locations; however, at present there are no designated bicycle facilities serving the study area. The City requests that the petitioners design bicycle and pedestrian improvements along Florence Street, using a “*Complete Streets*” approach as described earlier. A bicycle lane along Florence Street could provide connectivity for cyclists to the project site and beyond via future bicycle improvements along Hammond Pond Parkway. The petitioners should be expected to submit a pedestrian and cycling circulation plan prior to being scheduled for a Working Session showing all improvements and connections through the site and in the immediate neighborhood.

In addition to the Traffic Report, the petitioners submitted a Shared Parking Analysis Report dated May 25, 2010, which discusses the analysis involved around the proposed number of parking spaces.

Per the City’s Zoning Ordinance, the proposed development requires 1,357 parking spaces in total. The site plan shows a total of 912 spaces provided on-site, including surface parking and 313 garage spaces. The petitioners are requesting a special permit to reduce the total number of parking spaces required by up to 1/3 for an integrated development with three or more different uses. The proposed project qualifies as an integrated development and the petitioner’s request of a reduction of 445 stalls is within the allowed limits.

The parking calculations mentioned above are based on the development program for the project at full build-out. However, the petitioners have stated that it may be necessary to construct the project in phases. If this occurs, the residential structure with retail on the first floor and the adjacent parking structure would likely be constructed in *Phase II*. Without the parking structure it is believed that the petitioners are proposing to construct only 699 parking spaces for the proposed retail and restaurant space, medical offices, health club, and grocery store. These uses require 1129 parking spaces therefore the proposed 699 stalls are beyond the limits of a one third reduction. Although this is allowed by special permit, due to the intensity of the proposed uses the Planning Department is concerned that a reduction of more than one third may be too much. Should the Board wish to approve this petition, the Planning Department recommends the Board consider a condition requiring the petitioners to provide further assurances that the parking provided will be adequate and/or by ensuring that no more than one third reduction in parking required will be taken at any time.

The petitioners are proposing to offer valet parking during certain times of the year to help maximize parking options for customers. It appears that such a managed parking strategy could add approximately 100 additional parking spaces. Managed parking is allowed by special permit; however, the Planning Department requests additional information on proposed valet parking including how and where it would be managed, as well as how resident parking will be assigned..

The Chief Zoning Code Official notes that the five handicap stalls are undersized according to the City's parking requirements, but meet the dimensional standards for accessible parking stalls according to State guidelines. Most of the proposed entrance and exit driveways exceed the 25-foot maximum width requirements and a portion of one of the entrance/exit driveways is located on an adjacent property. The petitioners may receive special permits from the Board for all of the proposed waivers and the Planning Department does not have any concerns with the proposed waivers.

The project is situated in a location such that they could take advantage of available public transportation services in the area including three stations along the MBTA Green Line subway service (Chestnut Hill, Newton Centre, and Newton Highlands) which are located within 1½ miles of the project. Additionally, the MBTA bus Route 60 travels along Route 9 and provides a stop at the Chestnut Hill Shopping Center and the Mall at Chestnut Hill and along Route 9 eastbound at the residential community located at 280 Boylston Street. The petitioners have stated that they have agreed with the MBTA to extend this bus service to include a planned bus stop on the site. The petitioners should provide a summary of discussions held with the MBTA as well as confirm the capacity of proposed buses to support the transit credit taken. In the event that a bus circulation pattern is deemed infeasible by the MBTA, the proponent should

describe where a high-quality bus shelter could be located. In addition to the MBTA bus, the Planning Department has consistently urged the petitioners to provide for or contribute towards a regularly-scheduled shuttle that would connect the site to a Green Line subway station. Such service may be coordinated with other major developments in the area and would help to reduce single-occupancy vehicle trips to the site.

The petitioners assumed a high level of non-single occupant vehicle travel to and from the project, therefore the City will hold them to a high standard for transit promotion and transportation demand management. The petitioners should develop and commit to a Transportation Demand Management Program for review and approval by the City prior to being scheduled for a Working Session. Such a Program could include a coordinated ridesharing program, designated priority parking for car/vanpools and alternatively-fueled vehicles, and/or a concrete financial commitment to a regularly-scheduled shuttle bus service connecting to a Green Line subway station. The program should be periodically monitored to analyze the effectiveness of the programs in reducing single occupancy vehicle trips.

Finally, the petitioners have stated that the project may move forward in stages. The Planning Department should review the site plan for each stage. For example, if the parking garage, Retail B building, and Residential/Retail D building are not constructed until a later phase, the Planning Department should review the *Phase I* site plan to ensure that adequate parking spaces are constructed for all the uses that will be constructed during the first phase, and to review and comment on-site circulation

The Planning Department has some concerns that access to Florence Street will be eliminated when the project is complete, particularly considering the former uses on this site were open to access from this street. The petitioner is proposing that an emergency access gate will close the site from Florence Street with the exception of during the construction phase of the project. A detail of such access gate is provided on Drawing C.17. The petitioners should also clarify at what point in time the Florence Street access will be eliminated if the project is phased.

E. Loading

The petitioners submitted a service truck plan that shows internal loading bays in all of the main buildings. Building C has one internal loading bay and an internal trash compactor room. Building A, which contains the proposed grocery store, has four internal loading bays and a larger trash compactor area. The Residential Building D also shows one internal loading bay that will facilitate incidental servicing and moving vehicles. Truck circulation appears sufficient and the Planning Department has no concerns at this time.

F. Topography and Landscape Screening

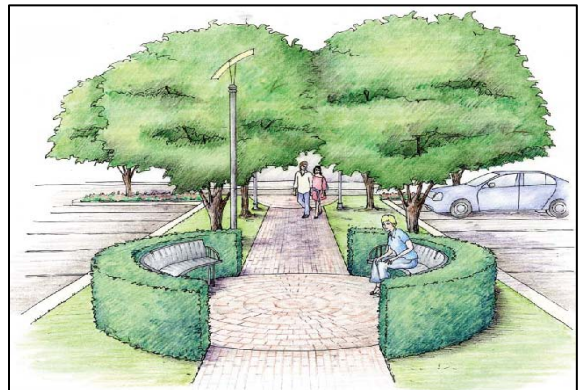
The site has varying topography and slopes up from the Route 9 side towards the middle of the site and then slopes down significantly towards Florence Street. The main or central entrance from Route 9 has a topographic elevation of 191 feet with the central parking area at an elevation of between 195 feet and 200 feet. This portion of the site, which contains the retail building (Building C) fronting on Route 9, the surface parking area, the proposed residential building (Building D), the retail building with garage behind (Building B), and the mixed-use building (Building A) is considered the “upper” portion of the site and is the retail core of the proposed project. The “lower” portion of the site is the Florence Street side of the project which has a topographic elevation of 171 feet. This lower portion of the site contains the proposed grocery store to be located on the ground floor of the mixed-use building (Building A), and parking area for the grocery store. This parking area ranges in elevation from 174 feet to 180 feet and also contains an entrance to the proposed structured parking facility. The proposed grocery store is located at an elevation of 178 and will only be visible from the Florence Street side of the site. The Route 9 side of Building A will have entrances on the first level to the proposed retail/restaurant level at elevation 200 feet. Pedestrian passageways will connect the upper portion of the site to the lower portion of the site.



The petitioners are proposing retaining walls around portions of the perimeter of the site. Due to the site’s topography, some sections of these walls exceed four feet in height and are located within setbacks; therefore, the petitioners need a special permit for such proposed conditions. Most of the proposed walls are low except for the southwest corner where a 17 foot retaining wall separates the residential building (Building D) and the retail building and structured parking (Building B) from an adjacent three-story condominium building that is not part of the project site. As the condominium building sits at a much lower elevation than the adjacent project site, the creation of such a retaining wall may significantly impact these residents unless properly screened. Finally, the adjacent condominium property already has a retaining wall with a fence on top and the creation of an additional wall creates a vacant valley that is difficult to access and may collect waste. Should the Board choose to approve this petition, the Planning Department recommends the Board consider a condition that ensures the petitioners will remove any trash that may accumulate from this portion of the site at least semi-annually. The retaining walls are proposed to be precast modular block and the petitioners should submit a detail of the proposed walls prior to Working Session.

The petitioners submitted a detailed landscape plan. The plan along Boylston Street shows the proposed retail building (Building C) with some columnar shaped Cypress (evergreen) trees at the corners and a mix of deciduous shrubs, ornamental grasses and perennials along the building façade. While the Planning Department appreciates the proposed treatment of this area and is sympathetic to the petitioner's desire to not obscure the building and tenant signage, we note that it would be a public benefit to plant some shade trees along the improved sidewalk in this area of Route 9.

The pedestrian walkways through the surface parking area between buildings consists of two planted pedestrian strips. Each of the landscaped islands will be planted with ten Honey Locust trees. The pedestrian walkways will be treated with decorative paving and will be planted with Honey Locusts and lower growing yews. While the Honey Locust tree is an attractive shade tree, the Planning Department suggests the petitioners consider adding some evergreen trees into the mix. These areas will also include some seating.



The existing vegetation along Florence Street will generally be maintained and enhanced with additional trees and plantings to provide a deeper landscaped buffer along Florence Street from the site. Additions include American Hornbeam, Scarlet Oak, and White Hawthorns – all deciduous trees. Again, a mix of evergreen and deciduous trees along this area would help to buffer the impacts of this project on the neighborhood year 'round.

The petitioners are proposing to remove a total of 2,152 caliper inches of trees and to plant 904 total caliper inches. This leaves a deficit of 1,248 caliper inches for which the petitioners can pay a fee. It is expected that the City's Tree Warden will review and provide comments on the tree removal plan prior to the scheduled working session.

G. Signage

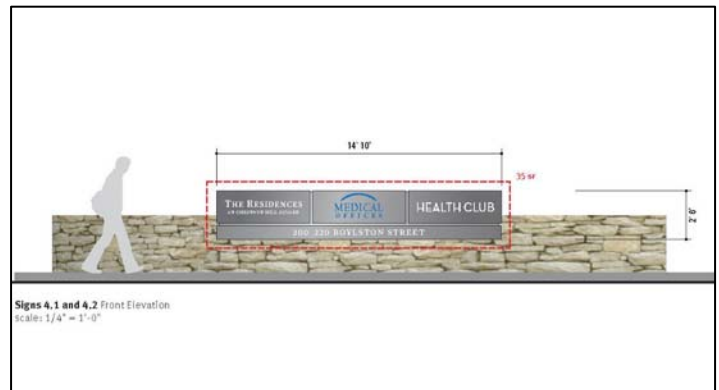
The petitioners submitted a comprehensive sign package, which includes representative restaurant/retail, office, health club, residential and way-finding signs and criteria for signage within the project including both tenants and safety and directional signage.

The petitioners are seeking waivers from a number of sections of the sign regulations by special permit, including:

- two freestanding signs along Boylston Street;

- principal wall signs that exceed the size allowed;
- oversized secondary signs;
- principal wall signs;
- secondary signs on the same wall;
- a sign that extends above the roof plate line;
- illumination of signs for up to one hour after the business closes;
- lettering and graphics on awning signs that occupy up to 50% of the awning area;
- building name signs that exceed the size limit; and
- Directional signs that exceed the size limits.

In response to the Chief Zoning Code Official's review, the petitioners have revised proposed freestanding signs to be eligible for special permit relief. The petitioners are now proposing two freestanding signs at the Boylston Street entrances. Proposed signs are low (2½-feet) and have stone bases. These signs meet the maximum 35 feet size limit of the signage requirements. The petitioners are proposing eight three-sided directional kiosk signs which the Planning Department thinks could be reduced in number so as not to clutter up the site, particularly given their size which is proposed as 7'-9" by 4'-0".



All of the exceptions requested are allowed by special permit if the Board chooses to grant the requested relief.

H. Lighting

The petitioners submitted a photometric plan that indicates several areas around the perimeter of the site where there is some light trespass. The petitioners should ensure plans meet the City's Light Trespass Ordinance.

I. Affordable Housing Component

Although not required, the petitioners are proposing a residential component as part of the mixed-use development and as such, must meet the requirements of Section 30-24(f), Inclusionary Zoning. The petitioners submitted an Inclusionary Housing Plan with the special permit application and met with the Newton Housing Partnership on September 8, 2010.

Although the plan states that the developers will comply with Section 30-24 (Inclusionary zoning) requirements, the document only estimates that 91 residential units are planned and therefore, the exact number of affordable housing units is not known. In addition, the plan states that parking is available “on an optional basis at market rates,” for both the affordable and market rate units. This fee was not identified nor was it included in the developer’s proposed calculation of housing related costs. Other comments that require follow up from the development team include clarification on the discrepancy of the square footage for the one-bedroom units (650 sq. ft. or 700 sq. ft.) and a description of what amenities/finishes will be included in the affordable units. Housing staff also suggests that the development of one and two-bedroom units precludes families with more than three people in the household from living in the development and could be interpreted as a fair housing concern.

Should the Board choose to approve this petition the Planning Department recommends a condition that prior to issuance of a building permit for the residential building (Building D) the Planning Department review and approve a revised Inclusionary Housing Plan.

J. Accessibility

The City’s Accessibility Coordinator reviewed submitted plans and raised some questions about the proposed project in a memorandum dated September 22, 2010 (*ATTACHMENT C*). She raises a number of concerns and notes that an accessibility plan should be submitted for review and approval prior to issuance of a building permit.

K. Project Phasing and Construction Management

The petitioners have stated that project components, including but not limited to the residential units and parking garage, may be built during a later phase or phases if the petitioners determine that economic conditions are such that marketing or financing opportunities render the construction of such components infeasible at this time. Accordingly, the petitioners are requesting that the Special Permit allow, but not obligate, the petitioners to construct any portion of the project or operate any use or combination of uses provided that applicable parking ratios are satisfied at the time of issuance of the applicable certificate of occupancy.

Similarly, the petitioners are requesting to reserve the right to determine, at the time of construction, the number of residential units to be constructed, and the mix of uses and the possible transfer of floor area between permitted uses. Accordingly, the petitioners request that the Special Permit allow for, but not obligate, the petitioners to make adjustments to the final square footages of uses and or dimensions of the buildings shown on the site layout plan contained in the special permit plan set provided that

applicable parking ratios and building setbacks are satisfied at the time of issuance of the applicable certificate of occupancy.

The petitioners are proposing to submit a Construction Management Plan (CMP) and a sequence of construction activities upon further development of the project. The petitioners will first have to demolish the existing structures and remove and install new utilities. The petitioners are proposing to use two access points on Route 9 for primary construction access and to use Florence Street for secondary construction access. Contractor parking will take place on-site, close to the Route 9 section of the site initially, and will be shifted as necessary. It appears the petitioners will excavate the foundation for the mixed-use building (Building A) and the proposed garage structure first. While they are constructing Buildings A and the retail portion of Building B the site excavations and foundation work will begin on Building C, which faces Route 9. Interior construction will then begin of Buildings A and B and the frame of Building C will begin. Buildings A, B, and C are expected to be completed and occupied at roughly the same time. The garage behind Building B will be completed next, with the residential building, Building D to be completed and occupied last.

The Planning Department requests more information on the proposed temporary portable cellular antennas to be located on site during construction. The petitioners have stated that scheduling of off-site improvements will be coordinated with MassDOT and the City to minimize impacts on Route 9 traffic and the surrounding neighborhood, and will be completed, or the approvals for the work will be secured, prior to the issuance of the final certificate of occupancy for the project. As the proposed project is heavily dependent on improvements to Route 9, the Planning Department requests clarification on how the petitioners propose to phase off-site improvements in relation to project development and requests a proposed phasing plan for such mitigation.

As there is ledge located at the project site it is expected that some blasting will occur. The petitioners will need to comply with the City's standard blasting conditions including the hiring of an independent blasting consultant to review the qualifications and blasting plan of the selected blasting contractor. A preblast survey shall be done in accordance with State Law for the interior and exterior of all structures within 250 feet of the blast area.

The petitioners have stated that when the project is open and operational, the petitioners are proposing to eliminate the Florence Street entrance/exit so as to minimize any through traffic onto neighborhood streets. The petitioners should clarify at what point in time the Florence Street access will be eliminated if the project is phased.

Finally, the Planning Department requests the petitioners submit a *Phase I* site plan in order to ensure there will be adequate parking at each stage and to ensure safe site circulation at each stage of development.

L. Sustainability and Conservation of Natural Resources

The petitioners have stated that they are continuing to evaluate sustainable design measures as the project design develops further. The project team includes a LEED (Leadership in Energy and Environmental Design) accredited professional who will help evaluate potential sustainable design technologies that may be appropriate for the project. The project includes the redevelopment of a previously developed site and is located along an existing transportation corridor. The project has the opportunity to take advantage of nearby transportation options and the petitioners have committed to providing provisions for an MBTA bus stop on-site. The petitioners have stated that designated preferential parking will be provided for carpool, vanpool, car sharing services (i.e. Zipcar), and alternatively fueled vehicles (although the Planning Department notes these spaces are not shown on submitted plans). Shade trees are provided in some of the public spaces, but the Planning Department believes more should be provided, particularly along Route 9. Roof surfaces will be specified with light colored materials to reflect sunlight and reduce absorbed heat but are not proposed for active use. Stormwater management systems are designed to improve upon current runoff conditions. The building will need to meet the “Stretch” Energy Code which sets the energy use requirements 20% below current state building code requirements.

Although the petitioners are making some headway in demonstrating a significant contribution to the efficient use and conservation of natural resources and energy the Planning Department believes the petitioners could do more to meet the intent of the City’s sustainability criteria. While we understand it is hard for a developer to control future tenants in a speculatively developed building, we believe the developer could build off of the Stretch Energy Code requirements and easily commit to meeting LEED requirements for Core and Shell Development at the Silver level.

The LEED for Core and Shell Rating System recognizes the unique nature of core and shell development. The Rating System acknowledges the limited influence over which a developer can exert control in a speculatively developed building, and encourages the implementation of green design and construction practices in areas where the developer has control. LEED for Core and Shell works to set up a synergistic relationship, which allows future tenants to capitalize on green strategies implemented by the developer. Some key building areas, interior space layout, interior finishes, lighting, mechanical distribution, and other tenant related systems are often outside the direct control of the developer. Thus, the scope of a LEED for Core and Shell project is limited to those aspects of the project over which the developer has direct control.

M. Environmental Review

The Massachusetts Environmental Policy Act Office is part of the Executive Office of Energy and Environmental Affairs (EOEEA) and reviews the environmental impacts of development projects and other activities that require State agency actions and that exceed MEPA review thresholds. State Agency Actions include the granting of State permits or licenses, providing State financial assistance, or transferring State-owned land. The proposed project requires such filings due to the required Access and Traffic Signal Permits from the Massachusetts Highway Department (MassHighway). The project also requires Access and Traffic Signal Permits from the Department of Conservation and Recreation (DCR) for proposed improvements to Hammond Pond Parkway. Other State permits required include a Construction Dewatering Permit, a Fossil Fuel Utilization Permit, and a Major Sewer Connection Permit from the Department of Environmental Protection (MassDEP). The Project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. Finally, the petitioners are proposing to request I-Cubed funding from the State to offset the costs of proposed infrastructure improvements.

The petitioners submitted an Environmental Notification Form (ENF) to the Secretary of Environmental Affairs in connection with a proposal to redevelop the site in December of 2002. The petitioners submitted a Draft Environmental Impact Report (DEIR) to the EOEEA in November 2005, and a Final Environmental Impact Report (FEIR) to the EOEEA in November of 2006, and the City provided comments to the EOEEA on both reports. The EOEEA issued a Certificate in January 2007 that the project “adequately and properly complies with the Massachusetts Environmental Policy Act and with its implementing regulations.”

Although previous versions of this project have been filed with various State agencies, this is the first submittal officially filed with the City of Newton. According to the FEIR, the previous proposal was projected to generate an estimated 10,968 new daily vehicle trips per day with about 15,410 new trips for Saturday. Although the EOEEA raised some issues and concerns with the project, no further MEPA review beyond the FEIR was required, though the petitioners would have to finalize all permitting requirements with the State agencies listed above.

In August 2010, the petitioners submitted a Notice of Project Change (NPC) to the EOEEA. This was required because of a lapse of time, changes to the Chestnut Hill Square Project since the FEIR, and because of the petitioner’s intent to seek financial assistance from the State for the project (I-Cubed funding). Changes to the project since the FEIR include an overall reduction in the square footage of construction on-site, but a change in the proposed uses including the addition of a

30,000 sq. ft. health club, the addition of a 60,000 sq. ft. medical office building, and the elimination of Florence Street access (available to residents under the FEIR). The 20-day public comment period expired on September 14, 2010 and the EOEEA is expected to issue its finding on September 24, 2010.

Overall changes since the previous plans account for a 430,000 square foot reduction in gross square footage, including a reduction of 126 residential housing units and a reduction in the maximum height of proposed buildings. The City provided comments to the EOEEA on the NPC, noting that the change in project scope decreases the number of parking spaces needed on-site, while the change in uses slightly increases the traffic generated, and elimination of access from Florence directs all traffic to and from the site from Route 9. A comparison table of the FEIR and NPC or current submittal is attached (*ATTACHMENT D*).

N. Fiscal Impacts and I-Cubed Funding

The petitioners indicated that the project will provide an estimated 500 construction jobs, 600 permanent jobs, including many in the growing health care sector. The project is expected to contribute annual tax revenues of over \$1.5 million upon completion of both phases of the project. In addition, there will be a one-time permitting fee of approximately \$1.5 million. Finally, they note that additional sources of revenue to the City can be expected from meals taxes as a result of new restaurant seats.

The petitioner's Fiscal Impact Analysis prepared by Connery Associates examines anticipated municipal service costs and revenues. The existing uses on the site have an assessed value of \$23,100,000 and general annual property taxes of \$430,000. Upon completion, it will be valued at \$87,053,000 and is expected to generate \$1,593,000 in annual revenues. After factoring in the total annual revenues and estimated service costs, after completion of both phases, there is projected to be a net annual revenue to the City of \$1,304,000.

The proposed evaluation separates the commercial and residential components of the project, as they have different characteristics. For example, the commercial component generates no educational costs, but generate some general services costs; however, since all internal roadways, drainage maintenance, lighting, snow plowing and other associated site maintenances costs are the property owner's responsibility and Route 9 is under State jurisdiction, general service costs will be limited to police and fire protection estimated at \$130,000 per year.

For the residential component, the single most expensive municipal cost is education. The analyst's conservative estimate based on actual net school spending minus the State aid of \$1,250 per student results in a cost per student of \$13,250. The report

predicts that the project could likely house six students per year, two of which will be in high school age at a total annual cost of \$79,500.

The petitioners are requesting the issuance of \$15 million in State bonds to finance proposed roadway and intersection improvements through the Commonwealth's I-Cubed program. I-Cubed legislation authorizes public infrastructure investment for economic development projects in Massachusetts and its purpose is to support new job growth and economic development by providing financing for new public infrastructure improvements needed to support major new private development. This financing arrangement partners the Commonwealth of Massachusetts, with the municipality, and the private developer, who share the cost and risk associated with the construction of public infrastructure. In order to be certified, the project must be approved by the municipality, the Secretary of Administration and Finance, and MassDevelopment and meet the criteria set forth in the statute and regulations. The public infrastructure improvements for a certified project will be financed by bonds issued by MassDevelopment to be repaid by the developer.

In order to be eligible for financing under I-Cubed, the Secretary of Administration and Finance must find that the project would not be developed or reach the anticipated level of development but for the I-Cubed financing. The cost of the public infrastructure improvements must be over \$10 million and no more than \$50 million. Furthermore, the anticipated tax revenues must be at least 1½ times more than the projected annual debt service on the bonds. The petitioners have indicated that their project exceeds these requirements. I-Cubed limits municipalities to no more than two projects from this funding source and restricts other public financing of the project. A request for participation in this program is expected to be docketed following special permit review and no action on the part of the Board is requested at this time.

IV. TECHNICAL REVIEW

A. Technical Considerations. The Zoning Review Memorandum, dated July 29, 2010 (*SEE ATTACHMENT E*), provides an analysis of the proposal with regards to zoning. Special permits are required to allow:

- buildings to exceed dimensional standards for height and number of stories
- retaining walls of greater than four feet in the setbacks
- a multi-family dwelling in a BU-4 zone
- for restaurants with greater than 50 seats
- for a multi-level parking facility
- open-air businesses
- a reduction in the number of on-site parking spaces for compatible uses
- entrance and exit driveways to exceed 25 feet in width
- valet parking
- a waiver of the required dimensions for handicap parking stalls

- an additional freestanding sign
- signs larger and in greater quantities than allowed by-right

V. OTHER REVIEWS

- A. Engineering Division Review. The Associate City Engineer reviewed the proposed project in a memorandum dated September 24, 2010 (*ATTACHMENT F*). He notes that the drainage system is properly designed for the City 100-year storm event but that a major stormwater culvert will have to be relocated due to conflicts with building siting and structural elements. The petitioners will also have to apply to the Public Facilities Committee to relocate the existing city drain easement and grant the City a new easement for access and maintenance of the new drainage culvert. The petitioners are working with the Engineering Department on this issue and have submitted a proposed Easement Relocation and Discontinuance Order. The Engineering Department's memorandum also notes that the petitioner should be required to install cement concrete sidewalks and granite curbing along the entire frontage of this property on the Florence Street side of the site.
- B. Fire Department Review. The City's Fire Department reviewed and approved the site layout for accessibility and water with the condition that a new site review is required before the issuance of building permits for the residential building (Building D) or the structured parking garage proposed for *Phase II*. (*ATTACHMENT G*). The Fire Department also noted the proposed off-site mitigation for the Route 9 corridor should have a positive impact on Fire Department response time and that the OPTICOM system planned for traffic signals in this area will be a public benefit.
- C. Traffic Review. The City's Traffic Engineer and Transportation Planner contributed to the Traffic Impact and Access, Parking and Site Circulation sections of this Memorandum.
- D. Newton Historical Commission Demolition Review. The Commission reviewed and approved the demolition of existing structures on site, with the exception of 146 Florence Street, which was determined to be "preferably preserved." The demolition delay expired on 6/28/2008 and structure has since been demolished.

The petitioners are proposing significant changes to the Historic Hammond Pond Parkway which is listed in the National and State Registers of Historic Places as an intact example of a connecting parkway. The parkway was designed for the Metropolitan Parks Commission by Olmsted, Olmsted and Elliot and its successor firm Olmsted Brothers. In light of this, the Massachusetts Historical Commission (MHC) reviewed the Notice of Project Change for Chestnut Hill Square and noted that in previous comments, the MHC had determined that the proposed mitigation

measures involving changes to Hammond Pond Parkway would have an “adverse effect” on this historic parkway. It does not appear that MHC has received a response from DCR and DEP to its last letter submitted for this project and believes that there is still work to be done in order to develop a final Memorandum of Agreement that is agreeable to all consulting parties.

The City’s Senior Preservation Planner suggests the petitioners add some curvature to the proposed new intersections along this historic parkway echoing “Olmstedian” design principles. The Planning Department recommends that should the Board choose to approve this project the Board consider a condition that requires any changes to the proposed mitigation at this location be reviewed and approved by the Newton Historical Commission as well as by the Directors of Planning and Public Works Departments.

- E. Urban Design Commission. The petitioners presented the proposed sign package to the Urban Design Commission (UDC) on September 15, 2010. The Commission expressed overall support for the conceptual comprehensive sign package and the proposed “sign zones” described in this proposal, subject to Board approvals of the requested waivers from the signage requirements. The UDC expressed its willingness to review specific signs at a later date in conjunction with the Director of Planning and Development as tenants are secured. The Commission also made some comments on the proposed site design in their memorandum dated September 20, 2010 (**ATTACHMENT H**) including a preference for some punctuation in the Route 9 building to allow pedestrians to pass through, and to widen pedestrian sidewalks.
- F. Newton Housing Partnership. The Chestnut Hill Square development team met with the Newton Housing Partnership on September 8, 2010. The Housing Partnership’s letter dated September 20, 2010 identifies a number of concerns regarding the residential component of the project, which is phased for construction at some point in the future if sufficient financing is obtained (**ATTACHMENT I**).
- G. Conservation Commission. The City’s Conservation Commission did not review this project, as there are no wetlands located on the property, nor any located within 200 feet of the property. There are no piped perennial streams running underneath the property, and drainage from the property will not directly affect any wetlands. There may be disturbance of an acre or more of land, with stormwater discharge off the site, and a NPDES filing may be required by the Engineering Department.
- H. Economic Development Commission Review. The petitioners met with the Economic Development Commission (EDC) on September 14, 2010 and the Commission voted to unanimously support the Chestnut Hill Square project for reasons including the petitioner's qualifications and expertise, the improvement of a deteriorating commercial property in a prime location, and the creation of jobs and

the generation of tax revenue. The EDC detailed its findings in a letter to the Land Use Committee dated September 24, 2010 (*ATTACHMENT J*).

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioners are seeking approval through or relief from:

- Section 30-15, Table 3, to allow buildings to exceed dimensional standards for height and number of stories
- Ordinance Z-45, to allow retaining walls of greater than four feet in setbacks
- Section 30-11(d)(7), to allow a multi-level parking facility in the BU4 zone
- Section 30-11(d)(8), to allow a multi-family dwelling in the BU4 zone
- Section 30-11(d)(9), to allow restaurants with greater than 50 seats in the BU4 zone
- Section 30-11(d)(10), to allow open-air businesses in BU4 zone
- Section 30-19(d)(18), to allow a reduction in parking spaces for compatible uses
- Section 30-19(h)(4) & 30-19(m), to allow for entrance and exit driveways in excess of 25 feet in width
- Section 30-19(h)(5)(b) to allow valet parking
- Section 30-19(h)(2)(c) & 30-19(m), to allow for waivers to the dimensions of handicap parking stalls
- Section 30-20(f)(9) & 30-20(l), to allow for additional freestanding signs
- Section 30-20(d)(2), 30-20(c)(1), (2) & (9), 30-20(i)(4), & 30-20(l), to permit signs larger and in greater quantities than allowed by-right
- Section 30-23, for site plan approval
- Section 30-24, for approval of special permit

VII. PETITIONERS' RESPONSIBILITIES

At the Land Use Committee's Public Hearing or prior to being scheduled for a Working Session, the petitioner's should be expected to respond to the following issues:

- A Parking Management Plan including how and where valet parking would be managed
- Clarify the outcome of the NPC filing
- Note proposed building materials on plans
- Consider developing and constructing improvements along the proximate portions of Hammond Pond Parkway and connecting to Florence Street, using a "Complete Streets" approach to include accommodations for vehicles, pedestrians and bicyclists
- Describe proposed traffic calming methods for Florence Street

- Submit a Revised Traffic Impact and Access Study
- Submit clarification on how the petitioners propose to phase off-site improvements in relation to project development, if the project is not built in all at once and submit a phasing plan for proposed mitigation
- Submit a pedestrian and cycling circulation plan
- Develop and commit to a Transportation Demand Management Program
- Submit a site plan for Phase I
- Submit a detail of proposed retaining walls
- Consider adding shade trees along the improved sidewalk in this area of Route 9
- Submit landscape and tree removal plans to the Tree Warden for review and approval
- Submit information on the proposed temporary portable cellular antennas to be located on site during construction
- Clarify at what point in time the Florence Street access will be eliminated if the project is phased

ATTACHMENTS

ATTACHMENT A: EASEMENT RELOCATION AND DISCONTINUANCE ORDER AND PLAN

ATTACHMENT B: LIST OF PROPOSED OFF-SITE TRAFFIC IMPROVEMENTS

ATTACHMENT C: ACCESSIBILITY MEMORANDUM DATED SEPTEMBER 22, 2010

ATTACHMENT D: COMPARISON CHART OF FEIR AND NPC

ATTACHMENT E: ZONING REVIEW MEMORANDUM DATED JANUARY 11, 2010

ATTACHMENT F: ENGINEERING DIVISION REVIEW DATED SEPTEMBER 24, 2010

ATTACHMENT G: FIRE DEPARTMENT REVIEW DATED SEPTEMBER 23, 2010

ATTACHMENT H: URBAN DESIGN COMMISSION MEMORANDUM DATED SEPTEMBER 20, 2010

ATTACHMENT I: NEWTON HOUSING PARTNERSHIP MEMORANDUM DATED SEPTEMBER 20, 2010

ATTACHMENT J: ECONOMIC DEVELOPMENT COMMISSION LETTER DATED SEPTEMBER 24, 2010

ATTACHMENT K: ZONING MAP

ATTACHMENT L: LAND USE MAP